

parties paying a 130% premium (the Kennecott entities and Lockheed Corporation), there is an exception to the covenant not to sue if total response costs at the Site exceed \$20,000,000.

For a period of thirty (30) days from the date of this publication, the public may submit comments to EPA relating to this proposed de minimis settlement.

A copy of the proposed AOC may be obtained from Maureen O'Reilly (8ENF-T), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Colorado 80202-2405, (303) 312-6402. Additional background information relating to the de minimis settlement is available for review at the Superfund Records Center at the above address.

It is So Agreed:

Dated: September 9, 1996.

Patricia D. Hull,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.

[FR Doc. 96-23789 Filed 9-16-96; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5611-9]

Notice of Proposed Assessment of Clean Water Act Class II Administrative Penalty and Opportunity To Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Pursuant to section 309(g) of the Federal Clean Water Act, 33 U.S.C. 1319(g), EPA is authorized to assess a Class II administrative penalty of up to \$125,000 against any person who, without authorization, discharges a pollutant to a water of the U.S., as those terms are defined in section 502 of the Act, 33 U.S.C. 1362, and its implementing regulations. As required under section 309(g)(4), 33 U.S.C. 1319(g)(4), EPA Region IX hereby gives notice of the following proposed Class II penalty action and the public's opportunity to comment on it.

On August 13, 1996, EPA Region IX commenced proceedings to assess a Class II penalty of \$115,000 against the City of San Diego, San Diego County, California 92101 (In the Matter of City of San Diego, Kearny Mesa Site, EPA Docket No. CWA-IX-FY94-46) by filing a complaint with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105 (415) 744-1389. The complaint alleges that between July 1992 and May 1993, on at least two occasions, a lessee of the City of San Diego, used earth moving or

other construction equipment to discharge earthen material and chipped vegetation (bark) into waters of the United States (i.e., vernal pool wetlands) on property owned and controlled by the City of San Diego, on Kearny Mesa, California. The complaint further alleges that these discharges never received required authorization from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act, 33 U.S.C. 1344.

DATES: The public is invited to submit written comments on this proposed penalty action during a thirty day comment period.

ADDRESSES: Written comments on this proposed action should be submitted to the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT:

Persons wishing to receive a copy of 40 CFR part 22, review the complaint or other documents filed by the parties in this proceeding, comment on the proposed penalty assessment, or participate in any hearing which may be held should contact the regional clerk at the address or phone number listed above. Unless otherwise noted, the public record for the proceeding is located in the regional office at the address above and is available for public inspection during normal business hours. All information submitted by the respondent will be part of the public record and subject to provisions of law restricting public disclosure of confidential information.

SUPPLEMENTARY INFORMATION: This penalty proceeding and the procedures for public comment and participation are governed by EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," at 40 CFR part 22, which is available at most libraries. To provide an opportunity for public comment, EPA will not take final actions in the proceeding prior to thirty (30) days after publication of this notice.

Dated: September 4, 1996.

Alexis Strauss,

Acting Director, Water Management Division.
[FR Doc. 96-23786 Filed 9-16-96; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2152]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

September 12, 1996.

Petitions for reconsideration and clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full texts of these documents are available for viewing and copying in Room 239, 1919 M Street NW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to these petitions must be filed on or before October 2, 1996. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject

Amendment of Part 20 and 24 of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap. (WT Docket No. 96-59) *

Amendment of the Commission's Cellular/PCS Cross-Ownership Rule. (GN Docket No. 90-314)

Number of Petition Filed: 8.

* This Public Notice includes the petition filed by Eliot J. Greenwald, Attorney for the National Paging & Personal Communications Association and J. Jeffrey Craven, Attorney for Personal Technology Service, Inc. and Digivox Corporation. A previous Public Notice, Report No. 2146, was released on August 7, 1996 and published in the Federal Register on August 13, 1996, listed only seven petitions. We are therefore placing all eight petitions on public notice at this time. Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96-23675 Filed 9-16-96; 8:45 am]

BILLING CODE 6712-01-M

Correction to Report No. 2151; Petition for Reconsideration and Clarification of Action in Rulemaking Proceedings

September 12, 1996.

Report No. 2151, released September 6, 1996 listed the below Petition for Reconsideration. This petition was listed on a previous Public Notice, released August 30, 1996, therefore the September 6, was released in error.

Subject: Bell Operating Company Provision of Out-of-Region Interstate,